

CHARTER TOWNSHIP OF DELTA
Public Meeting Room A
Delta Township Administration Building
7710 West Saginaw Highway
Lansing MI 48917

**TOWNSHIP BOARD REGULAR MEETING MINUTES FOR
MONDAY, MAY 20, 2013**

I. CALL TO ORDER

Supervisor Kenneth Fletcher called the meeting to order at 6:00 p.m.

II. OPENING CEREMONIES – Pledge of Allegiance

III. ROLL CALL

Members Present: Treasurer Pizzo, Trustee Dennis Fedewa, Trustee Doug Kosinski, Trustee Karen Mojica, Clerk Mary Clark, and Supervisor Kenneth Fletcher.

Members Absent: Trustee Jeff Hicks

Others Present: Community Development Director Mark Graham, Township Engineer Gary Arnold, Fire Chief John Clark, Utilities Director Tom Morrissey, Finance Director Jeff Anderson, Economic Development Director Ed Reed, Lt. Jeff Campbell, Assistant Planner Chris Gruba, Township Manager Richard Watkins, and Deputy Manager Jenny Roberts

TRUSTEE MOJICA MOVED THAT TRUSTEE HICKS BE EXCUSED. TREASURER PIZZO SUPPORTED THE MOTION. MOTION PASSED 6-0.

IV. PRESENTATIONS AND PROCLAMATIONS

1. Grand Ledge Girls Gymnastics Team

2013 Division I State Gymnastics Championship, March 8, 2013

Supervisor Fletcher congratulated the 2012-2013 Grand Ledge High School Gymnastics Team for winning the Division I State Title on March 8, 2013. Grand Ledge is the only high school in history to win six consecutive State Championships. The Township Board recognized the team's outstanding achievement by presenting them with a Certificate of Recognition and a plaque to be displayed at the Grand Ledge High School.

2. Badge-Pinning of Part-Time Fire Personnel

Chief Clark recognized the following firefighters for their excellent service to the community and the Fire Department. The new firefighters were badge pinned with the exception of Samuel Biddle who was unable to attend this evening.

- a. Samuel Biddle
- b. Javier Ornelas
- c. Marten Reader
- d. Timothy Sheibels
- e. David Stiles

Chief Clark announced to the Board that Delta Township was awarded the Agency Award by Sparrow Hospital for their consistent high quality care to the community.

V. SET/ADJUST AGENDA

TRUSTEE FEDEWA MOVED THAT THE AGENDA BE APPROVED WITH THE ADDITION OF RESOLUTION TO SUBMIT APPLICATION FOR MICHIGAN TOWNSHIP'S ASSOCIATION TOWNSHIP OF EXCELLENCE DESIGNATION, UNDER THE CONSENT AGENDA.

TRUSTEE MOJICA SUPPORTED THE MOTION. MOTION PASSED 6-0.

VI. PUBLIC HEARINGS – None

VII. COMMUNICATIONS – None

VIII. PUBLIC COMMENTS FOR ITEMS NOT ON AGENDA

Alan Lewis, 905 Garfield Ave., said he had experienced a problem with outdoor burning in his neighborhood which necessitated him having to close his windows because his house was filling up with smoke. Mr. Lewis indicated that when he called the Fire Department to inquire about burning regulations, he was told to call 911. Mr. Lewis didn't feel that 911 was the appropriate measure to take due to the fact that it wasn't an emergency, but rather a nuisance call and he wanted to bring this matter to the Board's attention.

Supervisor Fletcher indicated that he would have staff look into this situation. Mr. Watkins stated a run number from 911 is required for all reports.

Mr. Lewis spoke to the Board about the nuisance loud car stereos had become and how this issue could be policed.

Supervisor Fletcher said the Township would look into this matter and thanked Mr. Lewis for bringing this matter to the Board's attention.

Nicole Schuiling, 4513 Cranberry Ct., said she was here with her family because they had received an enforcement letter from the Township informing them that they were not allowed to keep their pot belly pig as a pet. Ms. Schuiling noted that this had been very hard on her family and that she brought some pictures with her this evening so that the Board could see the type of pet their pot belly pig was. She noted that their pot belly pig wasn't a farm hog or livestock living in their yard, but rather he lived in their home. Ms. Schuiling said the letter had indicated that livestock animals were not permitted to be kept in residential areas, but she explained to the Board that he wasn't livestock, but rather he was their pet and she provided the Board with a letter from the US Department of Agriculture which defined pot belly pigs as pets and not livestock. Ms. Schuiling pointed out that most of the Township's ordinances were written prior to 1995 which was before pot belly pigs were introduced into the United States. She felt the ordinance was written for farm pigs which was very different from pot belly pigs.

Ms. Schuiling explained that pot belly pigs had been accepted as pets by the US Department of Agriculture, the Delta Society Pet Partner Program, Life Magazine, Governors of Pennsylvania and Florida, numerous hospitals and nursing homes, special need schools, adult day care centers, as well as recognized as companion pets in numerous cities all over the United States. Ms. Schuiling stated that pot belly pigs were very intelligent animals and very clean animals. She indicated that their pot belly pig spent 99% of his time inside their home and when he was outside, it was within their fenced in yard on a leash. Ms. Schuiling stated that she had letters from all of her neighbors who were very fond of their pet and who were all surprised that this had become an issue. Ms. Schuiling pointed out that there were over one million pot belly pigs all over the United States. She wasn't asking the Township to amend their ordinance, but to accept pot belly pigs as pets and not livestock because this situation would come up again in the future.

Trustee Kosinski said during his research on this matter, he felt the language contained in the Zoning Ordinance not only defined pets as cats, dogs, and birds, but other animals that were generally regarded as pets. Mr. Kosinski said his search on Google revealed hundreds of sites on the issue of pot belly pigs as domesticated pets and not farm animals. Mr. Kosinski didn't feel an amendment to the Zoning Ordinance was necessary because pot belly pigs were encompassed by the existing language.

Trustee Mojica said she would like to review the materials Ms. Schuiling had provided the Board with this evening.

Community Development Director Mark Graham pointed out that the Board did not have the authority to interpret the ordinance and that this matter could be referred to the Zoning Board of Appeals for an interpretation.

IX. INTRODUCTION OF ORDINANCES

3. **Introduction of Amendment to Chapter 16, Article II of the Code of Ordinances** – The Manager's Office recommends that the Township Board introduce an amendment to the Chapter 16, Article II of the Code of Ordinances, which would amend provisions of the Fire Code addressing the sale of fireworks to comply with the Michigan Fireworks Safety Act.

CLERK CLARK MOVED THAT THE TOWNSHIP BOARD INTRODUCE AN AMENDMENT TO SECTION 16-20 OF THE DELTA TOWNSHIP CODE OF ORDINANCES. THE PROPOSED AMENDMENT WOULD AMEND PROVISIONS TO THE FIRE CODE ADDRESSING THE SALE OF FIREWORKS TO COMPLY WITH THE MICHIGAN FIREWORKS SAFETY ACT. FURTHER, THE TOWNSHIP CLERK IS HEREBY DIRECTED TO ADVERTISE THIS INTRODUCTION IN LOCAL NEWSPAPERS.

TRUSTEE KOSINSKI SUPPORTED THE MOTION. MOTION PASSED 6-0.

ORDINANCE NO. 13-76

AN ORDINANCE TO AMEND THE PROVISIONS OF THE FIRE CODE ADDRESSING THE SALE OF FIREWORKS TO COMPLY WITH THE MICHIGAN FIREWORKS SAFETY ACT.

SECTION I

Amendment to Section 16-20. Chapter 16, Article II of the Code of Ordinances, Delta Charter Township, Michigan shall be and is hereby amended to read as follows:

Sec. 16-20. – Amendments.

- (a) The following sections are hereby revised:

Section 101.1. Insert: Delta Charter Township

Section 109.3. Insert: Misdemeanor; \$500.00; 93 days

Section 111.4. Insert: \$500.00; \$500.00

- (b) The following township amendments shall be in effect:

302.1 Definitions. New definitions added as follows:

Domestic Fire: Domestic fire means any fire in the vicinity of a residence within the curtilage of a dwelling; where the material to be burned has been placed in a fireproof container constructed of metal or masonry, with an approved spark arrestor with openings not larger than three-fourths of an inch.

Training Burn: Training burn means any fire set by the fire chief or his designee for the purpose of training members of the fire department in the techniques of fire control, management or prevention.

Yard Waste: Yard waste means lawn clippings, leaves, twigs and branches (excluding stumps) not more than three inches in diameter and not more than four feet in length; weeds, brush, shrub clippings and other plant matter which does not emit a foul or offensive odor when burned.

307.2.1 Authorization is hereby amended to read as follows:

Section 307.2.1 Authorization. Where required by state or local law or regulations, open burning shall only be permitted with prior approval from the fire chief or his designee, provided that all conditions specified in the authorization are followed.

307.3.1 Bonfires is hereby amended to read as follows:

Section 307.3.1 Bonfires and Recreational Fires. A bonfire or recreational fire shall not be conducted within 25 feet of a structure or combustible materials. Conditions which could cause a fire to spread within 25 feet (7,620 mm) of a structure shall be eliminated prior to ignition. The size of the bonfire or recreational fire shall be limited to three feet by three feet by three feet.

307.3.2 Recreational Fires is hereby deleted.

307.5 Regulated Activities is a new section added as follows:

Section 307.5 Regulated Activities. The fire chief is authorized to regulate all burning within the township.

307.5.1 Open Burning of Yard Waste. Section 307.5.1 Open Burning of Yard Waste shall be permitted in all areas zoned A-1 or A-2 anytime during the calendar year with a permit.

307.5.2 Bonfires and Recreational Fires. Section 307.5.2 Bonfires and Recreational fires may be permitted anytime during the calendar year with a permit.

307.5.3 Training Burns. Training burns may be permitted any time during the calendar year at the discretion of the fire chief or his designee.

307.5.4 Domestic Fires. Domestic fires may be permitted in all areas zoned A-1 or -2 any time during the calendar year only during the hours between sunrise and sunset.

307.5.5 Open Burning for Development. The fire chief or his designee may issue a permit for open burning on public or private property being cleared for the purpose of development or in cases deemed emergencies.

903.3.1.3 NFPA 13D Sprinkler Systems. Where allowed, automatic sprinkler systems installed in one- and two-family dwellings and townhouses shall be installed throughout in accordance with NFPA 13D.

906.2 General Requirements. Section 906.2 is hereby amended to read as follows:

Section 906.2. General Requirements. Fire extinguishers shall be selected, installed and maintained in accordance with this section and NFPA 10, or as may be required by the fire chief or his designee.

906.3 Exceptions is a new section added as follows:

Section 906.3. Exceptions. Occupancy classifications Group A divisions 1—5; Group B; Group M and Group R divisions 1—4 shall be as follows:

1. Portable fire extinguisher(s) in occupancies not equipped with automatic fire protection systems shall have a minimum rating of 4A-60BC or equivalent with the maximum travel distance not to exceed 50 feet in any direction to an extinguisher.
2. Portable fire extinguisher(s) in occupancies equipped with automatic fire protection systems shall have a minimum rating of 4A-60BC or equivalent with the maximum travel distance not to exceed 75 feet in any direction to an extinguisher.

906.9 Height Above Floor. Section 906.9 is hereby amended to read as follows:

Section 906.9. Height Above Floor. Portable fire extinguishers having a gross weight not exceeding 40 pounds shall be installed so that its top is five feet above the floor. Hand-held portable fire extinguishers having a gross weight exceeding 40 pounds shall be installed so that its top is not more than 3½ feet above the floor. The clearance between the floor and the bottom of the installed hand-held extinguishers shall not be less than four inches.

3309. Section 3309. Division 1.4G Fireworks is a new section as follows:

Section 3309. Division 1.4G Fireworks.

3309.1 Definition of Division 1.4G Fireworks. Fireworks means that term as defined by the Michigan Fireworks Safety Act, Public Act 256 of 2011, MCL 28.451 *et seq.*

3309.2. The sale, display, storage, transportation, or distribution of fireworks shall comply with the provisions of the Michigan Fireworks Safety Act, Public Act 256 of 2011, MCL 28.451 *et seq.* Nothing in this section shall modify generally applicable Township Ordinances, including, without limitation, those regulating vendors, peddlers, transient merchants, solicitors, and hucksters.

Appendix C. Appendix C is hereby amended to read as follows:

Section C105. Distribution of Fire Hydrants.

C105.1 Hydrant Spacing. The average spacing between fire hydrants shall not exceed 300 feet. Exception: The fire chief is authorized to accept a deficiency of up to ten percent where existing fire hydrants provide all or a portion of the required fire hydrant service. Regardless of the average spacing, fire hydrants shall be located such that all points on streets and access roads adjacent to a building are within 200 feet.

- (c) State regulations prevail whenever state law or regulations provide a higher standard or requirement than is provided in the fire prevention code, the higher requirement or standard of this state law shall be followed in lieu of the requirement or standard of the fire prevention code. Said state standards or requirements shall be construed as part of this chapter as if fully set forth herein, and shall be enforceable as a part of this chapter.

4. Introduction of Amendment to Section 14-114 of the Delta Township Code of Ordinances – The Manager’s Office recommends that the Township Board introduce an amendment to Section 14-114 of the Code of Ordinances which would define the term “Legal Firework Display”.

TRUSTEE KOSINSKI MOVED THAT THE TOWNSHIP BOARD INTRODUCE AN AMENDMENT TO SECTION 14-114 OF THE DELTA TOWNSHIP CODE OF ORDINANCES. THE PROPOSED AMENDMENT WOULD CORRECT THE DEFINITIONS IN SAID SECTION TO COMPLY WITH THE MICHIGAN FIREWORKS SAFETY ACT. FURTHER, THE TOWNSHIP CLERK IS HEREBY DIRECTED TO ADVERTISE THIS INTRODUCTION IN LOCAL NEWSPAPERS.

TRUSTEE MOJICA SUPPORTED THE MOTION. MOTION PASSED 6-0.

ORDINANCE NO. 13-77

AN ORDINANCE TO DEFINE THE TERM “LEGAL FIREWORK DISPLAY”.

SECTION I

Amendment to Definitions. That section 14-114 of the Delta Charter Township Code is hereby amended to read as follows:

Sec. 14-114. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Agricultural areas means those areas where township ordinance permits the possession and keeping of animals such as, but not limited to, horses, cows, sheep, chickens and other animals commonly found on agricultural use properties.

Ambience means surrounding or background noise associated with a given environment, usually a composite of sounds from many sources.

Animal means any living creature other than human beings, including, but not limited to, reptiles, amphibians, insects, fish, birds and mammals.

Audible means being heard or the capability of being heard by a person with ordinary hearing.

Construction means any site preparation, building assembly, building erection, building repair, building alteration, building maintenance, or similar action, but excludes demolition for or of public or private right-of-way, structures, utilities or similar property.

Continuous means any sound or noise whose level varies less than three dB(A) during the course of a period of at least two minutes.

dB(A) means the intensity of sound expressed in decibels read from a calibrated sound level meter that utilizes the A-level weighing scale and the fast meter response, as specified by the American National Standards Institute (ANSI) S1.4-1971.

Decibel means a unit to express the magnitude of sound pressure and sound intensity, equal to 20 times the logarithm to the base ten of the ratio of the pressure of the sound measured to the reference pressure which is 20 micropascals.

Demolition means any dismantling, intentional destruction, or removal of structures, utilities, public or private right-of-way surfaces, or similar property.

Emergency means any situation or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

Emergency work means any work performed for the purpose of preventing or alleviating physical trauma or property damage threatened or caused by an emergency following a public or private calamity or accident.

Harmonic or pure tones means sounds which have a specific frequency or pitch associated with them.

Impulsive sounds means sounds of very short duration, although they may be repeated at regular or irregular intervals, including but not limited to explosions, firearm discharge or motor vehicle backfire sounds.

Industrial property means property zoned industrial under township ordinance.

Legal firework display means the intentional display of ignited or exploded display fireworks, as that term is defined by the Michigan Fireworks Safety Act, being Public Act 256 of 2011, MCL 28.451 *et seq.* for entertainment conducted by individuals or organizations possessing a valid permit issued by the Township Board in accordance with Section 16 of the Michigan Fireworks Safety Act.

Muffler means a device used for lessening the sound of escaping gasses of an internal combustion engine.

Noise or noise disturbance means any sound that is in excess of the maximum decibel limits according to the regulations set forth in section 14-118, or which is loud, unnecessary, unusual, or unreasonable and which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of persons with normal sensitivities.

Noise sensitive zone means an area of potential noise disturbance, including but not limited to any area where a school, institution of learning, hospital, house of worship, day care center, nursing home, public library, senior citizen center, residence or residential area is located.

Person means any individual, association, partnership or corporation, and includes any officer, employee, department, agency or instrumentality of the state or any political subdivision thereof.

Pet means a domesticated animal which is generally recognized as being kept for noncommercial purposes, including but not limited to dogs, cats and birds.

Public service department means any public agency or department operated under the supervision or authorization of the state or a political subdivision thereof, or a private

agency performing emergency work, which shall include but not be limited to ambulances, police vehicles and fire department vehicles.

Public space means any publicly or privately owned properties that are available to the public in general.

Residence or residential area means any areas used for living purposes, such as one- and two-family homes, apartments, condominiums, and hotels or motels.

X. PASSAGE OF ORDINANCES - None

XI. CONSENT AGENDA

TREASURER PIZZO MOVED THAT THE CONSENT AGENDA BE APPROVED AS AMENDED WITH THE RESOLUTION FOR SUBMISSION OF THE APPLICATION FOR THE MICHIGAN TOWNSHIP'S ASSOCIATION EXCELLENCE DESIGNATION.

TRUSTEE FEDEWA SUPPORTED THE MOTION.

ROLL CALL:

AYES: TREASURER PIZZO, TRUSTEE FEDEWA, TRUSTEE KOSINSKI, TRUSTEE MOJICA, CLERK CLARK, AND SUPERVISOR FLETCHER

NAYS: NONE

ABSENT: TRUSTEE HICKS

MOTION PASSED 6 TO 0.

5. Bills & Financial Transactions - \$1,008,640.25

TREASURER PIZZO MOVED THAT THE BILLS & FINANCIAL TRANSACTIONS BE APPROVED IN THE AMOUNT OF \$1,008,640.25.

| | |
|--------------------|---------------|
| Bond/Debt Payments | \$ |
| Investments | \$ |
| Payroll & Related | \$318,237.21 |
| Refunds | \$ 2,233.83 |
| Tax Distributions | \$ |
| Vendor Claims | \$ 688,169.21 |

TRUSTEE FEDEWA SUPPORTED THE MOTION. MOTION PASSED 6-0.

6. **Minutes** – May 6, 2013 Regular Board Meeting Minutes and the May 13, 2013 Committee of the Whole Minutes.

TREASURER PIZZO MOVED THAT THE MAY 6, 2013 REGULAR BOARD MEETING MINUTES AND THE MAY 13, 2013 COMMITTEE OF THE WHOLE MINUTES BE APPROVED AS PRESENTED.

TRUSTEE FEDEWA SUPPORTED THE MOTION. MOTION PASSED 6-0.

7. **Resolution to Submit Application for Michigan Township's Association Township of Excellence Designation** – The Manager's Office recommends that the Township Board adopt the resolution to submit an application for the Michigan Township's Association Township of Excellence Designation.

TREASURER PIZZO MOVED THAT THE TOWNSHIP BOARD ADOPT THE RESOLUTION TO SUBMIT AN APPLICATION FOR THE MICHIGAN TOWNSHIP'S ASSOCIATION TOWNSHIP OF EXCELLENCE DESIGNATION.

TRUSTEE FEDEWA SUPPORTED THE MOTION. MOTION PASSED 6-0.

***Resolution to Submit Application
for Michigan Townships Association
Township of Excellence Designation***

WHEREAS, the Delta Township Board strives to adhere to best practices to deliver quality programs and services, and to accomplish community-driven goals; and

WHEREAS, the Michigan Townships Association *Township of Excellence* designation program recognizes townships where excellence is practiced in a broad array of township functions and operations; and

WHEREAS, as part of the application process the Charter Township of Delta submits the accompanying township documents and policies for the designation committee to review; and

WHEREAS, the Township Board attests that, to the best of its knowledge, all statements made in connection with the application are truthful; and

WHEREAS, the Township Board attests that, to the best of its knowledge, the Township is in compliance with all applicable laws and regulations;

NOW, THEREFORE, BE IT RESOLVED, that the Delta Township Board submits this application for the Michigan Townships Association Township of Excellence Designation.

XII. ITEMS REMOVED FROM CONSENT AGENDA FOR DISCUSSION - None

XIII. ITEMS ADDED TO AGENDA UNDER SECTION V. SET/ADJUST AGENDA - None

XIV. ITEMS OF BUSINESS

8. **Recommendation of Award 2013 Water System Improvements** – The Community Development Department recommends that the Township Board award the 2013 Water System Improvements project to Balkema Excavating, Inc. in the amount of \$1,997,026.75.

TRUSTEE FEDEWA MOVED THAT THE TOWNSHIP BOARD AWARD THE 2013 WATER SYSTEM IMPROVEMENTS PROJECT TO BALKEMA EXCAVATING, INC. IN THE AMOUNT OF \$1,997,026.75.

TREASURER PIZZO SUPPORTED THE MOTION. MOTION PASSED 6-0.

9. **Final Consideration of Koulouras Special Land Use Permit, Case No. 4-13-7** – The Community Development Department recommends that the Township Board approve the request for a Special Land Use Permit for a drive through for a restaurant on property described in Case No. 4-13-7.

CLERK CLARK MOVED THAT THE DELTA TOWNSHIP BOARD APPROVE THE REQUEST FOR A SPECIAL LAND USE PERMIT FOR A DRIVE THROUGH FOR A RESTAURANT USE ON THE PROPERTY DESCRIBED IN CASE NO. 4-13-7 FOR THE FOLLOWING REASONS:

1. THE REQUEST IS CONSISTENT WITH THE PROVISIONS OF THE DELTA TOWNSHIP COMPREHENSIVE PLAN AND THE ZONING ORDINANCE.
2. THE REQUEST CAN BE OPERATED SUCH THAT IT IS COMPATIBLE WITH SURROUNDING LAND USES.

THE SPECIAL LAND USE PERMIT IS APPROVED SUBJECT TO THE FOLLOWING 5 STIPULATIONS:

1. THE FUEL PUMP FURTHEST TO THE EAST MUST BE REMOVED AS PRESENTED ON THE SITE PLAN TO ACCOMMODATE FOR VEHICULAR MOVEMENT OF CARS EXITING THE DRIVE THROUGH LANE.
2. THE SITE MUST MAINTAIN AT LEAST 14 PARKING SPACES AT ALL TIMES.
3. THE EASEMENT AGREEMENT BETWEEN THE SUBJECT PARCEL AND THE CRACKER BARREL PARCEL MUST BE MAINTAINED.

4. PER THE ZONING BOARD OF APPEALS ISSUANCE OF A STACKING SPACE VARIANCE ON MAY 14, 2013, THE SITE MUST DEPICT 2 WAITING SPACES PAST THE FINAL WINDOW FOR VEHICLES TO PARK WHILE THEIR ORDER IS BROUGHT OUT TO THEIR VEHICLE.
5. FAILURE OF THE APPLICANT TO COMPLY WITH ANY OF THE PROVISIONS REQUIRED BY THE DELTA TOWNSHIP ZONING ORDINANCE, OR ANY STIPULATIONS HEREIN REQUIRED BY THE DELTA TOWNSHIP BOARD, SHALL CONSTITUTE GROUNDS FOR TERMINATION OF THIS SPECIAL LAND USE PERMIT BY THE DELTA TOWNSHIP BOARD.

TREASURER PIZZO SUPPORTED THE MOTION. MOTION PASSED 6-0.

10. **Final Consideration of Warner Athletic Facility Special Land Use Permit, Case No. 4-13-8** – The Community Development Department recommends that the Township Board approve the request for a Special Land Use Permit for the establishment of an athletic facility on property described in Case No. 4-13-8.

TRUSTEE KOSINSKI MOVED THAT THE DELTA TOWNSHIP BOARD APPROVE THE SPECIAL LAND USE PERMIT REQUESTED FOR THE PROPERTY DESCRIBED IN CASE NO. 4-13-8 FOR THE ESTABLISHMENT OF AN ATHLETIC FACILITY ON THE SUBJECT PARCEL. THE BOARD FINDS THAT THE PROPOSED USE MEETS THE SPECIAL LAND USE PERMIT CRITERIA SPECIFIED IN SECTION 18.4.0 OF THE DELTA TOWNSHIP ZONING ORDINANCE AS FOLLOWS:

1. THE PROPOSED USE IS COMPATIBLE WITH THE GOALS AND POLICIES OF THE DELTA TOWNSHIP COMPREHENSIVE PLAN AND THE INTENT OF THE ZONING ORDINANCE.
2. THE PROPOSED USE IS COMPATIBLE WITH THE VARIOUS WAREHOUSE/OFFICE AND INDUSTRIAL LAND USES ALREADY ESTABLISHED IN THE IMMEDIATE VICINITY OF THE SUBJECT PARCEL.
3. PUBLIC ROAD, WATER, SANITARY SEWER & STORM DRAINAGE SYSTEMS, AND EMERGENCY SERVICES ARE IN PLACE AND ADEQUATE TO SERVE THE PROPOSED DEVELOPMENT.
4. THE USE WILL NOT INVOLVE USES, ACTIVITIES, PROCESSES, MATERIALS, AND EQUIPMENT OR CONDITIONS OF OPERATION THAT WILL BE DETRIMENTAL TO THE NATURAL ENVIRONMENT,

PUBLIC HEALTH, SAFETY, OR WELFARE BY REASON OF EXCESSIVE PRODUCTION OF TRAFFIC, NOISE, SMOKE, ODORS, OR OTHER SUCH NUISANCE.

APPROVAL OF THE SPECIAL LAND USE PERMIT IN THIS CASE IS SUBJECT TO THE FOLLOWING STIPULATION:

FAILURE OF THE APPLICANT TO COMPLY WITH ANY OF THE PROVISIONS REQUIRED BY THE DELTA TOWNSHIP ZONING ORDINANCE, OR ANY STIPULATIONS REQUIRED BY THE DELTA TOWNSHIP BOARD IN GRANTING THE SPECIAL LAND USE PERMIT, SHALL CONSTITUTE GROUNDS FOR TERMINATION OF THE SPECIAL LAND USE PERMIT BY THE DELTA TOWNSHIP BOARD.

TRUSTEE MOJICA SUPPORTED THE MOTION. MOTION PASSED 6-0.

- 11. Approval of Resolution 4 for the Woodhaven Drive Curb and Gutter Assessment Roll** – The Community Development Department recommends that the Township Board approve Resolution 4 for the Woodhaven Drive Curb and Gutter Assessment Roll.

TREASURER PIZZO MOVED THAT THE TOWNSHIP BOARD ADOPT RESOLUTION 4 FOR THE HUNTINGTON ACRES SPECIAL ASSESSMENT DISTRICT CONCRETE CURB & GUTTER STREETS.

TRUSTEE FEDEWA SUPPORTED THE MOTION. MOTION PASSED 6-0.

Charter Township of Delta
County of Eaton, State of Michigan

RESOLUTION NO. 4

(Woodhaven Drive Curb and Gutter Special Assessment District)

WHEREAS, the Township Board of the Charter Township of Delta, County of Eaton, State of Michigan (the "Township"), after due and legal notice, has reviewed a special assessment roll prepared for the purpose of defraying a part of the cost of certain improvements as described in Exhibit A attached hereto and made a part hereof; and

WHEREAS, the Township Supervisor certifies that the assessment roll was made pursuant to a resolution of the Township Board, adopted on April 15, 2013, and that in making the assessment roll the Supervisor, according to his best judgment, has conformed in all respects to the directions contained in the resolution and the statutes of the State of Michigan, and

WHEREAS, the Township Board has determined that the market value of the properties in the Special Assessment Districts will be higher as a result of construction of the public improvements, and construction of the public improvements confers a special benefit on the assessed properties beyond that provided to the Township as a whole; and

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WHEREAS, the Township Board deems said special assessment roll to be fair and equitable as reported to it by the Supervisor;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said special assessment roll shall be designated "Woodhaven Drive Curb and Gutter Assessment Roll)," and the district against which it is spread shall be designated "Woodhaven Drive Curb and Gutter Assessment District."

2. Said Special Assessment Roll, in the amount of \$160,160.00, as prepared and reported to the Township Board by the Supervisor, be and the same hereby is confirmed.

3. Said special assessment roll shall be divided into five (5) equal annual installments, the first installment to be due on August 31, 2013, and the following installments to be due on August and of each and every year thereafter. Said installments of the special assessment roll shall bear interest to be payable annually on each installment due date. Said installments shall bear interest at a rate of five percent (5.00%).

4. The assessments made in said special assessment roll are hereby ordered and directed to be collected, and the Township Clerk shall deliver said special assessment roll to the Township Treasurer, with the Township Clerk's warrant attached, commanding the Treasurer to collect the assessments therein in accordance with the directions of the Township Board with respect thereto, and the Treasurer is directed to collect the amounts assessed as they become due.

5. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and they hereby are rescinded.

I hereby certify that the foregoing is a true and complete copy of a resolution duly adopted by the Township Board of Trustees of the Charter Township of Delta, County of Eaton, Michigan at a regular meeting held on May 20, 2013 at 6:00 o'clock p.m. prevailing Eastern Time, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act 267.

I further certify that the following Members were present at said meeting:

Supervisor Ken Fletcher, Clerk Mary Clark, Treasurer Howard Pizzo, Trustees Dennis Fedewa, R. Douglas Kosinski, and Karen Mojica.

I further certify that Member Pizzo moved for adoption of said resolution and that Member Fedewa supported said motion.

I further certify that the following Members voted for adoption of said resolution:

Supervisor Ken Fletcher, Clerk Mary Clark, Treasurer Howard Pizzo, Trustees Dennis Fedewa, R. Douglas Kosinski, and Karen Mojica.

Mary Clark, Township Clerk
Delta Charter Township
Eaton County, Michigan

EXHIBIT A

DESCRIPTION OF PUBLIC IMPROVEMENTS

(Woodhaven Drive Curb and Gutter Special Assessment District)

The proposed improvements shall include:

- Concrete curb and gutter street section in Woodhaven Drive from Michigan Avenue to Leland Place; Leland Place, from Woodhaven Drive to St. Joe Highway
- Miscellaneous Storm Drainage Improvements

XV. MANAGER’S REPORT

Township Manager Watkins informed the Board of the following:

- The portable speed sign the Township purchased was providing very good data that could be used in the future for traffic calming purposes.
- The Broadbent Road water main project started today.
- There were two vacancies in the Fire Department that would have to be filled for the positions of Assistant Fire Chief and Township Fire Inspector.
- The Township was served with a complaint from Kelly Johnson in Circuit Court seeking to reverse the decision by the Board to deny her request for a home occupation for dog grooming.

XVI. COMMITTEE OF THE WHOLE

12. Finance Update – Jeff Anderson

Finance Director Jeff Anderson provided the Board with an overview of the 2013 Citizens Guide to Delta Township’s Financial Health which was a report that provided specifics on the Township’s expenditures and revenues in an easy to read format for better understanding by the residents. The Citizens Guide has been placed on the Township’s website in order to make financial information more accessible to Delta’s residents. Mr. Anderson also provided the Board with an update on the Looking Glass Regional Fire Authority Agreement audit report, as well as a brief review of the Township’s General Fund Balance and committed assigned and unassigned fund balance data. Mr. Anderson noted that the Township’s General Fund had been very consistent with budgeted projections.

13.2013-2014 Water System Improvements Bond Discussion – Richard Watkins

Mr. Watkins said as the Township paid off older bond issues, discussions had taken place regarding new bond issues for this years water construction projects, as well as next years projects. Mr. Watkins noted that as he and Mr. Anderson researched different rates and spoke to financial advisors, they found that competitive negotiated sale of bonds was the preferred method of sale throughout the State in that it was a more simplified process and more cost effective than going out for competitive bids. Mr. Watkins explained the benefits of using a competitive negotiated sale and the fact that he would like to move forward and bring a bond resolution to the Board for funding of this years projects, as well as next year's projects. An interest rate of 2% or less is anticipated.

A bond resolution would be placed on the next Board agenda.

14. Tent Displays – Mark Graham

Mr. Graham informed the Board that staff had been receiving complaints from merchants and citizens regarding the display of tents in front of stores. He noted that the Fire Department mandated a permit for tents 200+ square feet for safety reasons, but at the present time, the Township didn't have any regulations governing display tents. Mr. Graham highlighted a few suggestions contained in his May 13th memo to the Board as to how tents could be regulated and the pros and cons of regulating display tents on commercial properties.

It was the consensus of the Board to place this item on a future Committee of the Whole agenda for further discussion.

15. Ancillary Services & Equipment Front Setback Requirements – Mark Graham

Mr. Graham provided the Board with background information regarding the emerging trend of car wash facilities installing vacuums and other appurtenances within the front setback area of their site to entice business. It was noted that vacuums and other appurtenances were ancillary uses of a car wash that were allowed on-site, but they had always been installed towards the back of a site. Mr. Graham noted that in order to maintain the aesthetics of the Township's commercial corridors, staff was recommending that the Board consider adopting amendments to the Zoning Ordinance that would not allow these types of services within the front setback area.

It was the consensus of the Board to move forward with proposed amendments regulating ancillary services and equipment within the front setback area.

XVII PUBLIC COMMENTS

Clerk Clark informed the Board that a meeting would be held tomorrow at 8:30 a.m. in the House Office Building to discuss proposed improvements to the fireworks legislation. Ms. Clark said she would be attending the meeting to express her opinion on the proposed amendments.

XVIII ADJOURNMENT

Supervisor Fletcher adjourned the meeting at 7:40 p.m.

CHARTER TOWNSHIP OF DELTA

KENNETH FLETCHER, SUPERVISOR

MARY CLARK, CLERK

/as
M:\Regular Board Meeting\BD\MIN\May 20, 2013
Minutes Approved: